Astro Telecommunications, Inc.

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AUG 2 8 2007

Federal Communications Commission
Office of the Secretary

June 30, 2007

Federal Communications Commission
445 12th Street SW
Washington, DC 20554

ATTN: **Ms. Monica Desai, Media Bureau**

RE: Include this letter in record for FCC 07-32, MB 07-51

Dear Ms. Desai:

The elimination Exclusive Service/Access Contracts (EC) Irrevocability reverses all of the great things the FCC has done to increase competition in the MDU market. It is difficult at this juncture for the Private Cable Operators to grow due to escalating costs of equipment and general operational costs. The Private Cable Operators do not have the unlimited resources to funding like the major cable competitors have. I believe if you want to have more competition in the market place, you need to even out the field of play. I believe this is especially important since the merger of Comcast and Times Warner with Adelphia. This merger has allowed Comcast and Times Warner to monopolize the market in multiple states.

There are some good things that the FCC could do for consumers to generate a field of play that would provide the Private Cable Operator with the competitive tools to succeed.

These are some of the things the FCC could concentrate on to increase competition:

1) **Remove the ownership of wiring inside of MDUs by any entity**
2) **Make enforceable rules to prevent the cable companies from interfering with a competitor's equipment & customers.**
3) **Predatory pricing by the cable companies must be monitored and eliminated**
4) **Eliminate perpetual contracts**
5) **Preclude Mandatory Access Statutes**
6) **Make available financing options to PCOs to enhance growth**
7) **Provide an equal environment for PCOs to purchase programming at the rates provided to the major cable companies.**

Our company has been in existence since January 1, 2000. Our D & B score is perfect and the two controlling principles have above 700 personal credit scores. Our financing options are limited. I have witnessed multiple entities closing their doors due to the increasing edge of the Cable Giants they were up against and the escalating operational costs. We feel like David who is up against Goliath and all of his family. The FCC has the knowledge on what is needed to truly make this industry more competitive. You started it with the Telecommunications Act of 1996.

Respectfully submitted,

Terry L. Clifford, Sr.
Astro Telecommunications, Inc.

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PRIVATEL
INCORPORATED

July 10, 2007

Ms. Monica Desai
Media Bureau
Federal Communications Commission
445 12th Street SW
Washington, D. C. 20554

Re: FCC 07-32, MB 07-51

Dear Ms. Desai,

Privatel, Inc. (Privatel, or the Company) is a private telecommunications Service provider. The company provides video, voice and data services both wired and wireless, to colleges, universities, hospitals and assisted Living facilities throughout the east coast. Our service is available to approximately 70,000 administrators, faculty members, students and patients.

I am writing to the Commission to inform them that the private telecommunication industry needs exclusive service agreements to survive. Exclusive agreements are necessary to provide enough time for the service provider to recoup its capital investment and insure a fair rate of return. If exclusive agreements are eliminated it would actually have the reverse result that the Commission desires, it will reduce competition, since the private telecommunication service providers will disappear. Competition is not stifled by exclusive service agreements. They actually promote competition. MDU owners and faculty administrators actively solicit requests for service proposals from numerous service providers when they have decided to obtain telecommunications services. These requests are sent to the franchised cable operator, the regional bell operating companies and the private telecomm service providers. At that point the MDU owners and facility administrators have the leverage and bargaining power to obtain what is in the best interest of the residents. Privatel offers administrators a choice of programming based on the facilities demographics (ala carte), security, and community service channels, along with lower prices.

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June 30, 2007

Federal Communications Commission
445 12th Street SW
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Respectfully submitted,

Terry L. Clifford, Sr.
Astro Telecommunications, Inc.

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July 24, 2007

Ms. Monica Desai, Media Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Exclusive Contracts – please include in the record for FCC 07-32, MB 07-51

Dear Ms. Desai,

Please accept this letter as support for keeping Exclusive Contracts (ECs) in tact for small MVSPs or, Private Cable Operators (PCOs). I agree with the viewpoint that ECs are inhibiting competition by keeping the Telcos out of the MDUs in their areas and that MSOs are defending their position in this struggle since they hold the vast majority of the ECs. However, PCOs being the smallest of the competitors would be trampled in this battle of giants if not allowed to keep using ECs to protect their investment.

My perspective is shaped by our company's deep involvement in the industry for the past twenty-two years. We currently supply analog/digital video and high speed internet to twenty-four MDUs containing 7800 units across the Phoenix metro-plex made up of apartments and condo/townhomes. While we only serve approximately 4000 subscribers as a niche competitor we have enough impact on our local MSO that they have actually modified some of their behavior in order to better serve the MDUs. Locally they are signing shorter agreements with more favorable terms for the developer with additional services to the residents. As an operator in the Phoenix market we responded to developers requests to add Wi-Fi around pool and clubhouse areas to enhance the residents High Speed Internet experience. While this is a small amenity it helps us differentiate ourselves from the local MSO and increase the competition as residents are now requesting this feature at other MDUs.

In addition to our role as a PCO we also sell programming, equipment and consulting to other PCOs across the country giving us a broad and exceptional insight into the PCO industry as a whole. As a programming aggregator what we have witnessed in Las Vegas should serve as a leading indicator of what to expect if ECs are eliminated. Nevada, being a mandatory access State, enables Cox to overbuild any MDU in their area, which is what eliminating ECs would duplicate. Cox went into each MDU of desirable demographics and by offering free services for extended periods completely destroyed the cash flow for the PCOs. Cox has yet to go into the low end complexes the PCOs were left with. This tactic of cherry picking and choking out the small competitor has created a complete void of viable PCOs in Nevada.

CONVERGENT
Broadband Communications
Convergent Broadband Communications, Inc. (CBC)
4529 E. Broadway Rd., Suite 100
Phoenix, AZ 85040

In the FCC's pursuit to foster competition keeping EC's in tact for the PCOs would help meet this objective. While the large telcos are shaping up to possibly be strong competitors to the MSOs their footprint still remains contained and outside of these few large telcos eliminating ECs would eliminate the MSOs only competitor in MDUs. As an example; in the Phoenix market Qwest has all but exhausted itself trying to compete with Cox and PCOs are now the largest competitor in this space. If ECs are eliminated none of the MSOs will have any serious competition for MDUs in the entire Qwest footprint. This scenario is prevalent across most of the country and is not isolated to the Qwest example.

The PCO business is a very tough market to survive in as our costs for programming are significantly higher, our placement and carriage restrictions are much greater and our access to capital is limited. It is most likely that the PCO industry will always remain a relatively small industry due to its provincial nature. The success of the PCO stills lies in its ability to deliver services as a local small business that is sensitive to the needs of the developer's residents. However, the regulatory overhang surrounding the fate of ECs recently stifled our efforts to secure Private Equity investments for expansion into additional markets. Without ECs the funding is not available. From my perspective and experience in the industry I am absolutely certain that eliminating ECs would result in the unintended consequence of diminishing competition in the MDU space.

Sincerely,

Don Bowen

Don Bowen
President
Convergent Broadband Communications, Inc. (CBC)

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July 3, 2007

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AUG 28 2007

Federal Communications Commission
Office of the Secretary

Federal Communications Commission
ATTN: Ms. Monica Desai, Media Bureau
445 12th Street SW
Washington, DC 20554

Re: FCC 07-32, MB 07-51, request to include this letter

Dear Ms. Desai:

I am writing you today with concerns to issues that directly affect my small business and general welfare in the industry which I have strived to be beneficial and successful in the past twenty five years.

It has come to my attention that consideration is being made with regards to the elimination of Exclusive Service/Access Contracts (EC). I would like to present the following information in opposition and request your support.

Exclusive Service Agreements are important to our industry and my company's existence. My business is primarily dependent on the commercial multi-family properties. Over the past twelve years or so I have carved out a small niche, spending countless hours to develop my procedures and design new ways in which to offer a quality performing alternative to Public Cable. As the first contractor to construct a private MDU system in the State of New Hampshire (to our knowledge), I know all too well the battle with the local cable company (at that time, Time Warner), having a legal battle to install a system on private property wishing to have access to satellite signals. It was truly a David and Goliath scenario.

In the marketplace properties who have required our services detail the issues to me which they endure with Public Cable whereby they are badgered into thinking they have no rights to concealed wiring while insisting any cabling within the building or used for the delivery of reception does belong to them for their exclusive use. Usually the property is pressured into thinking there is an on-going contract that maintains their right while unable and unwilling to provide same for review. If there is any contest from the property, the cable company mealy threatens with legal action which normally seems to do the trick for them at the loss to the property and its residents.

Our industry is made up of numerous, small and independent contractors who are not funded by the satellite TV programmer and most of the time not funded even in portion by the property. Due to its infancy, still, and the risks involved, banks and funding institutions neither understand nor are willing to fund such ventures. If our industry is to succeed in the marketplace, we all need the support and the tools to compete in order to serve those properties and its residents demanding and even needing our services.

We are entering a new era of communication. With the oncoming of more demand for the Internet and now telephony over IP, our industry is still striving for its share in the television market. We have the knowledge and technology to provide the same services as the monopolistic Public Cable TV industry, but we need to create an environment whereby this industry has an opportunity to prosper and serve as a true alternative to Public Cable.

Sincerely,

Fred Pais
President

ASTROvision Technologies
10 Winter Hill Road
Lunenburg, MA 01462

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